

1096.001A

DECLARATION - USA PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **BROWSER CONTROLLER**, specification of which is filed herewith.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a);

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

Priority Claimed

App. No.:

Country:

Date Filed:

NONE

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

PRIOR U.S.A. APPLICATION(S)

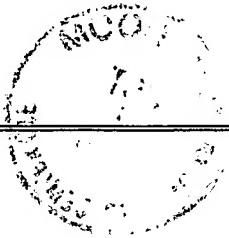
Serial No.:

Filing Date:

Status:

NONE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.



1096
Full name of
Sole Inventor: Andrew W. Scherbier

Inventor's Signature: Andrew

Date of Signature: 10/4/, 1996

Residence: 11430 Eastview Court
San Diego, California 92131-3525 CA

Citizenship: United States of America

Post Office Address: Same as Above

Send Correspondence and Direct Telephone Calls to:

John L. Rogitz, Esq.
750 "B" Street, Suite 3120
San Diego, CA 92101
(619) 338-8075

Applicant(s): Andrew W. Scherbier
For: BROWSER CONTROLLER

08/726377

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
[37 CFR 1.9(f) AND 1.27(c)] - SMALL BUSINESS CONCERN**

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:



CONCERN: CONTIGO SOFTWARE LLC

ADDRESS OF CONCERN: 8334 Clairmont Mesa Boulevard, Suite 214
San Diego, California 92111

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party of parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled:

BROWSER CONTROLLER

by inventor(s) Andrew W. Scherbier, the specification filed herewith.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

FULL NAME:

ADDRESS:

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

FULL NAME:

ADDRESS:

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Douglas R. Cooper
TITLE OF PERSON OTHER THAN OWNER: President

ADDRESS OF PERSON SIGNING:

13398 Tiverton Road
San Diego, California 92130

SIGNATURE:

Douglas R. Cooper

DATE SIGNED: Oct. 4, 1996.



RECORDATION FORM COVER SHEET
PATENTS ONLY

40 087726377
U.S. Department of Commerce
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Andrew Scherbier

2. Name and Address of receiving party(ies):

Name: Contigo Software LLC

Street Address: 8334 Clairmont Mesa Boulevard
Suite 214
San Diego, California 92111

Additional name(s) of conveying
party(ies) attached? Yes No

Additional name(s) & address(es) attached?
 Yes No

3. Nature of conveyance:

Assignment Merger

Security/Agreement Name Change
 Other

Execution Date: October 4, 1996

4. Application number(s) or patent number(s):

If this document is being filed together with a new application,
the execution date of the application is: October 4, 1996

A. Patent Application No.(s)

B. Patent No.(s) _____

Additional Numbers Attached?

Yes No

5. Name and Address of Party to whom
concerning document should be mailed:

6. Total number of applications and patents
involved: 1

Name: John L. Rogitz
Address: ROGITZ & ASSOCIATES
750 "B" Street, Suite 3120
San Diego, CA 92101

7. Total fee (37 CFR 3.41) \$40.00
 Enclosed

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the
original document.

John L. Rogitz

Name of Person Signing


Signature of Person Signing

10/4/96

Date

Total number of pages including cover sheet, attachments, and document: 2

*Copy
9/30/96*

ASSIGNMENT

WHEREAS, I, Andrew W. Scherbier, a U.S. citizen, residing at 11430 Eastview Court, San Diego, California 92131-3525, have invented a certain new and useful improvement in a **BROWSER CONTROLLER**, for which I have executed an application for Letters Patent in the United States, filed herewith.

AND WHEREAS, CONTIGO SOFTWARE LLC, a California Limited Liability Company, with its principal place of business at 8334 Clairmont Mesa, Boulevard, Suite 214, San Diego, California 92111, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said inventor, do hereby acknowledge that I have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said CONTIGO SOFTWARE LLC, its successors, legal representatives and assigns, the entire right, title and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under international Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and I hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said CONTIGO SOFTWARE LLC, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant and agree that I will communicate to the said CONTIGO SOFTWARE LLC, its successors, legal representatives and assigns, any facts known to me respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said CONTIGO SOFTWARE LLC, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
) SS: Andrew W. Scherbier /dated: 10/14/1996
)

**POWER OF ATTORNEY BY ASSIGNEE
AND
EXCLUSION OF INVENTOR UNDER RULE 37 C.F.R. § 3.71**

To the Commissioner of Patents and Trademarks:

The undersigned is empowered to act on behalf of the assignee indicated below (the "Assignee"). The original Assignment of the attached application for Letters Patent for the invention in **BROWSER CONTROLLER**, from the inventors to the Assignee is being submitted herewith for recordation by the Assignment Branch. I have reviewed the attached Assignment and hereby certify that to the best of the Assignee's knowledge and belief, the Assignee is the owner of the entire interest and title in the attached application for Letters Patent. I declare that all statements made herein of my own knowledge are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The Assignee hereby appoints John L. Rogitz, Esq., Registration No. 33,549, Symphony Towers, 750 "B" Street, Suite 3120, San Diego, California 92101, Telephone (619) 338-8075, as its attorney to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventor(s) and his attorney in accordance with the provisions of 37 C.F.R. § 3.71.

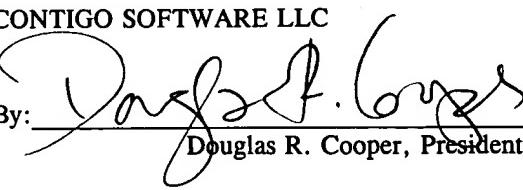
Please direct all communications relative to said application to the following correspondence address:

JOHN L. ROGITZ, ESQ.
ROGITZ & ASSOCIATES
Symphony Towers
750 "B" Street, Suite 3120
San Diego, California 92101
Telephone: (619) 338-8075

DATED: 02.4, 1996

ASSIGNEE:

CONTIGO SOFTWARE LLC

By: 

Douglas R. Cooper, President

ADDRESS:

8334 Clairmont Mesa Boulevard, Suite 214
San Diego, CA 92111